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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/625,076	07/22/2003	Naoki Numa	P/528-56	9452

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EXAMINER

WHITE, RODNEY BARNETT

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 08/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/625,076	Applicant(s) NUMA ET AL.	
	Examiner Rodney B. White	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/15/03 and 5/20/0</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-9 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 4, "the engaged piece" lacks antecedent basis. Earlier in the claim, Applicant uses the term "engagement piece".

Also, it is unclear as to whether the Applicant intends to claim the "Structure" in combination with the "basic frame for a seat or backrest". In the preamble of the claim, Applicant defines a "structure for mounting a net member to a basic frame for a seat or backrest". Applicant is not positively claiming the "frame" as part of his invention. But on lines 4-5, the claim reads as if the Applicant intends to claim the "basic frame" as part of his invention since he defines "said engaged piece being inserted into an engagement groove of the basic frame". At this point Applicant appears to claim the "basic frame". Perhaps the Applicant should re-word the claim to positively claim the "basic frame" as part of his invention. Also, the first lines of claim 1 reads as if the Applicant is not positively claiming the "net member" as part of the invention. But later in claim 1 and then in claim 5, the claims read as if the "net member" is part of the

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invention. Again, Applicant should re-word those claims to positively claim the "net member".

In claim 6, Applicant again claims the "basic frame" as a part of the invention when initially it was not claimed in claim 1.

In claim 7, Applicant appears to claim "the net member" as part of the invention when defining features of "the net member".

Again in claim 8, Applicant defines "the basic frame" as part of the invention.

In claim 15, "polyether ester" is unclear and confusing language.

The aforementioned problems render the claims vague and indefinite. Clarification and/or correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1, 6, and 9 is rejected under 35 U.S.C. 102(b) as being anticipated by Gregory (U.S. Patent No. 6,254,190).

Gregory teaches the structure as claimed (See Figures 6-9), the protrusion being 58.

Claims 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Stumpf et al (U.S. Patent No. 6,059,368).

Stumpf et al teach the structure as claimed (See Figures 49-56) including a net member, an engagement piece 372, and a binding frame 33, the engagement piece being inserted into an engagement groove 430 of the basic frame with the net member by pressing and grinding, a flexible engagement claw 436, and an engagement recess, to be elastically engaged with each other thereby preventing the engagement piece from coming out of the engagement groove, the engagement piece being a L-shaped having a horizontal portion

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which supports pressing force of the binding frame and is strongly pressed between the basic frame and the binding frame, wherein the basic frame and the binding frame have a form-fitting groove and a projection respectively, the net member being put between the form-fitting groove and the projection to apply tension to the net member when the basic frame is connected to the binding frame.

Claims 1 and 5-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Neil et al (U.S. Patent Application Publication No. 2003/0071509 A1).

Neil et al teach the structure as claimed (See Figures 1-4) including a net member, an engagement piece 24, and a binding frame 12, the engagement piece being inserted into an engagement groove 18 of the basic frame with the net member by pressing and grinding, wherein the basic frame and the binding frame have a form-fitting groove and a projection respectively, the net member being put between the form-fitting groove and the projection to apply tension to the net member when the basic frame is connected to the binding frame, wherein a peripheral groove is formed at an upper end of an outer periphery of the basic frame, an edge member being engaged on the peripheral groove thereby applying further outward tensile force to the net member wherein the peripheral groove is formed over a whole circumference of the basic frame, the edge member being provided over the whole circumference of the basic frame..

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Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Eames et al (U.S. Patent No. 3,041,109).

Eames et al teach the structure as claimed (See Figures 3 and 11) including a net member, an engagement piece 42,43; and a binding frame 4, the engagement piece being inserted into an engagement groove 8 of the basic frame with the net member by pressing and grinding.

Claims 13-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Coffield (U.S. Patent Application Publication No. 2003/0160494 A1).

See specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10 -12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Neil et al.

Neil et al teach an obvious use of the structures.

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Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stumpf et al.

Stumpf et al teach an obvious use of the structures.

Claims 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gregory

Stumpf et al teach an obvious use of the structures.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Eames et al.

Eames et al teach an obvious use of the structures.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Albinson et al, Helms, Polsky et al, Koa, Weisser, Nagamitsu et al, Miotto et al, and Su teach structures similar to the present invention.

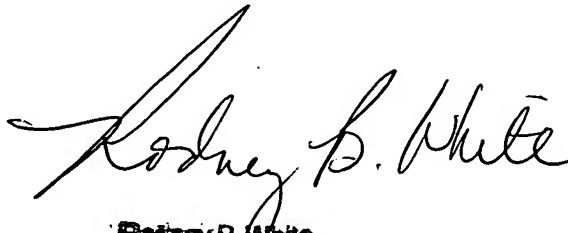
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney B. White whose telephone number is (703) 308-2276. The examiner can normally be reached on 5:30 AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on (703) 308-0827. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney B. White,
Patent Examiner
Art Unit 3636
August 10, 2004



Rodney B. White
Patent Examiner